

United States District Court
District of Massachusetts

JUAN VILLAR-SANCHEZ,)
Petitioner,)
v.) Civil Action No.
JOSEPH McDONOUGH,) 04-11811-NMG
Respondent.)
)

ORDER

GORTON, J.

The instant petition for a writ of habeas corpus was filed on August 17, 2004. On September 16, 2004, respondent filed a Motion to Dismiss and it became clear that the petitioner has an appeal pending in state court. Because the petitioner has not exhausted his state court remedies, his petition is premature. 28 U.S.C. § 2254(b)(1)(A) (mandating exhaustion of state court remedies). Accordingly, respondent's Motion to Dismiss (Docket No. 6) is **ALLOWED** and this petition for a writ of habeas corpus is **DISMISSED**.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated April 8, 2005